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MT LEGISLATIVE HISTORY

Chapter 30 1989

Bill H 260 S _____ Original bill & hist. ✓C

H. Committee on Judiciary		S. Committee on Judiciary	
Hearing Date(s) Jan 26	✓C	Hearing Date(s) Feb 03	✓C
_____	___C	_____	___C
_____	___C	_____	___C
_____	___C	_____	___C
Date Out Jan 26	✓C	Feb 03	✓C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

DIED IN COMMITTEE

HB 257 INTRODUCED BY COHEN
ALLOW REALTY TRANSFER TAX FOR FUNDING LOCAL PLANNING

1/17	INTRODUCED		
1/18	REFERRED TO TAXATION		
1/19	FISCAL NOTE REQUESTED		
1/24	FISCAL NOTE RECEIVED		
1/25	FISCAL NOTE PRINTED		
	DIED IN COMMITTEE		

HB 258 INTRODUCED BY SPAETH, ET AL.
CREATE BOARD OF TRAMWAY SAFETY
BY REQUEST OF DEPARTMENT OF COMMERCE

1/17	INTRODUCED		
1/18	REFERRED TO BUSINESS & ECONOMIC DEVELOPMENT		
1/19	FISCAL NOTE REQUESTED		
1/25	FISCAL NOTE RECEIVED		
1/26	HEARING		
1/27	COMMITTEE REPORT--BILL PASSED AS AMENDED		
1/28	FISCAL NOTE PRINTED		
1/30	2ND READING PASSED	78	20
2/01	3RD READING PASSED	82	16
	TRANSMITTED TO SENATE		
2/02	REFERRED TO BUSINESS & INDUSTRY		
3/10	HEARING		
3/10	COMMITTEE REPORT--BILL CONCURRED AS AMENDED		
3/14	2ND READING CONCURRED	48	0
3/16	3RD READING CONCURRED	46	1
	RETURNED TO HOUSE WITH AMENDMENTS		
3/30	2ND READING AMENDMENTS CONCURRED	96	0
3/31	3RD READING AMENDMENTS CONCURRED	91	7
4/06	SIGNED BY SPEAKER		
4/06	SIGNED BY PRESIDENT		
4/07	TRANSMITTED TO GOVERNOR		
4/10	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 483 EFFECTIVE DATE: 1/01/90		

HB 259 INTRODUCED BY SPAETH
MANDATE HANDICAPPED ACCESS IN NEW PUBLIC BUILDINGS, CHURCHES, AND RESIDENCES

1/17	INTRODUCED	
1/18	REFERRED TO HUMAN SERVICES & AGING	
1/20	HEARING	
1/24	TABLED IN COMMITTEE	

HB 260 INTRODUCED BY CLARK
PROVIDE THAT PERSON DRIVING MOTOR VEHICLE OR COMMERCIAL MOTOR VEHICLE IN THIS STATE WHILE LICENSE IS SUSPENED OR REVOKED IN ANY STATE IS GUILTY OF MISDEMEANOR
BY REQUEST OF DEPARTMENT OF JUSTICE

1/17	INTRODUCED	

1/18	REFERRED TO JUDICIARY		
1/26	HEARING		
1/26	COMMITTEE REPORT--BILL PASSED AS AMENDED AND PLACED ON CONSENT CALENDAR		
1/30	3RD READING PASSED	97	1
	TRANSMITTED TO SENATE		
1/31	REFERRED TO JUDICIARY		
2/03	HEARING		
2/04	COMMITTEE REPORT--BILL CONCURRED		
2/07	2ND READING CONCURRED	49	1
2/09	3RD READING CONCURRED	49	1
	RETURNED TO HOUSE		
2/17	SIGNED BY SPEAKER		
2/20	SIGNED BY PRESIDENT		
2/20	TRANSMITTED TO GOVERNOR		
2/23	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 30 EFFECTIVE DATE: 10/01/89		

HB 261 INTRODUCED BY HANSEN, S., ET AL.
ACQUIRE CITY WATER SYSTEM THROUGH POWER OF CONDEMNATION

1/17	INTRODUCED		
1/18	REFERRED TO LOCAL GOVERNMENT		
1/26	HEARING		
2/09	TABLED IN COMMITTEE		

HB 262 INTRODUCED BY HOFFMAN
REVISE CREDIT LIFE AND CREDIT DISABILITY INSURANCE LAWS

1/17	INTRODUCED		
1/18	REFERRED TO BUSINESS & ECONOMIC DEVELOPMENT		
1/26	HEARING		
1/27	COMMITTEE REPORT--BILL PASSED AS AMENDED		
1/30	2ND READING PASSED	59	39
2/01	3RD READING PASSED	76	22
	TRANSMITTED TO SENATE		
2/02	REFERRED TO BUSINESS & INDUSTRY		
2/28	HEARING		
2/28	COMMITTEE REPORT--BILL CONCURRED AS AMENDED		
3/02	2ND READING CONCURRED	47	0
3/04	3RD READING CONCURRED	46	0
	RETURNED TO HOUSE WITH AMENDMENTS		
3/06	2ND READING AMENDMENTS CONCURRED	94	0
3/07	3RD READING AMENDMENTS CONCURRED	92	0
3/11	SIGNED BY SPEAKER		
3/13	SIGNED BY PRESIDENT		
3/14	TRANSMITTED TO GOVERNOR		
3/18	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 156 EFFECTIVE DATE: 10/01/89		

HB 263 INTRODUCED BY HANNAH, ET AL.
PROVIDE 1-YEAR EXTENSION OF REDEMPTION PERIOD UPON PARTIAL PAYMENT OF DELINQUENT TAX

HOUSE BILL NO. 260

INTRODUCED BY CLARK

BY REQUEST OF THE DEPARTMENT OF JUSTICE

IN THE HOUSE

JANUARY 17, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
JANUARY 18, 1989	FIRST READING.
JANUARY 26, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
JANUARY 27, 1989	POSTED ON CONSENT CALENDAR.
	ENGROSSING REPORT.
JANUARY 30, 1989	CONSENT CALENDAR, QUESTIONS AND ANSWERS.
	THIRD READING, PASSED. AYES, 97; NOES, 1.
	TRANSMITTED TO SENATE.

IN THE SENATE

JANUARY 31, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
FEBRUARY 4, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
FEBRUARY 7, 1989	SECOND READING, CONCURRED IN.
FEBRUARY 9, 1989	THIRD READING, CONCURRED IN. AYES, 49; NOES, 1.
	RETURNED TO HOUSE.

IN THE HOUSE

FEBRUARY 10, 1989 RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

HOUSE BILL NO. 260

INTRODUCED BY Clark

BY REQUEST OF THE DEPARTMENT OF JUSTICE

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT A PERSON DRIVING A MOTOR VEHICLE OR COMMERCIAL MOTOR VEHICLE IN THIS STATE WHILE HIS LICENSE IS SUSPENDED OR REVOKED IN ANY STATE IS GUILTY OF A MISDEMEANOR; AND AMENDING SECTION 61-5-212, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-5-212, MCA, is amended to read:

"**61-5-212. Driving while license suspended or revoked -- penalty.** (1) Any person who drives a motor vehicle or commercial motor vehicle on any public highway of this state at a time when his privilege so to do so is suspended or revoked ~~shall be~~ in this state or any other state is guilty of a misdemeanor and upon conviction shall be punished by imprisonment for not less than 2 days or more than 6 months and ~~there may be imposed in addition thereto a fine of~~ may be fined not more than $500, or both.

(2) The department upon receiving a record of the conviction of any person under this section upon a charge of driving a vehicle while the person's license or commercial vehicle operator's endorsement ~~of such person~~ was suspended or revoked shall extend the period of such suspension or revocation for an additional like period."

-End-

LC 0708/01

Testifying Proponents and Who They Represent:

None.

Proponent Testimony:

None.

Testifying Opponents and Who They Represent:

None.

Opponent Testimony:

None.

Questions From Committee Members: None.

Closing by Sponsor: Rep. Whalen closed.

DISPOSITION OF HOUSE BILL 147

Motion: Rep. Darko made a DO PASS motion, seconded by Rep. Gould.

Discussion: None.

Amendments, Discussion, and Votes: None.

Recommendation and Vote: A vote was taken on HB 147 DO PASS motion and CARRIED unanimously.

HEARING ON HOUSE BILL 260

Presentation and Opening Statement by Sponsor:

Rep. Robert Clark, House District 31 stated that HB 260 is a bill that will clear up a technicality that is in our current driving license law pertaining to people driving while their privilege to do so is suspended or revoked. The law currently states on Line 16, at a time when his privileged to do so is suspended or revoked shall be guilty of a misdemeanor. It does not mention any other state. This wording changes it to simply say in this state, or any other state. On Line 24 it covers driving a vehicle while a person's license or commercial operator's endorsement was suspended or revoked, and extend the period of suspension or revocation for an additional like period.

Testifying Proponents and Who They Represent:

Peter Funk, Assistant Attorney General, Dept. of Justice

Proponent Testimony:

Peter Funk commented that this bill is really a clarification of the existing offense of driving while a person's license is suspended or revoked. Mr. Funk stated that over the years the Dept. of Justice has had numerous requests for various county attorneys to do this. They feel that their ability to prosecute someone whose license is suspended by another state is somewhat in doubt under the existing statutory language. The Dept. of Justice has always advised local prosecutors to proceed against someone whose license is suspended in another state under the existing statutory language, but they have had a great number of county attorneys state that they are uncomfortable with doing that unless the statute specifically authorizes or specifically refers to a person whose license is suspended, other than in Montana. Additionally, there is an existing statutory provision in Title 61 which authorizes the Dept. of Justice and the Motor Vehicle Division to suspend or revoke an out of state person's license. By inserting this language into the bill it would allow for the Dept. of Justice to take that type of action against a non-resident.

Testifying Opponents and Who They Represent:

None.

Opponent Testimony:

None.

Questions From Committee Members: Rep. Boharski questioned Mr. Funk if it is possible to get a driver's license in one state if it has been suspended in another state? Mr. Funk replied that if the computer tracking systems are working as they should and if the state that has suspended the license has dealt with that situation properly and put it in the national system; no, it should not be possible.

Closing by Sponsor: Rep. Clark reiterating Mr. Funk, stated that the difficulty is the county attorneys having a problem with bringing formal charges on a situation where a license has been suspended or revoked in another state because it wasn't specifically spelled out in Montana law.

DISPOSITION OF HOUSE BILL 260

Motion: A DO PASS motion was made by Rep. Daily, seconded by Rep. Brooke.

Discussion: There was no discussion on the motion.

Amendments, Discussion, and Votes: Rep. Brooke moved to amend Page 1, Line 21, Following $500.00, Strike comma or both, seconded by Rep. Darko. Amendment CARRIED with Rep.'s Eudaily, Hannah, Daily, and Boharski voting No.

Recommendation and Vote: Rep. Gould moved DO PASS AS AMENDED, seconded by Rep. Brooke. Motion CARRIED with a unanimous vote. Rep. Strizich moved that the Committee place HB 260 on the Consent Calendar with a unanimous vote by the Committee. HB 260 DO PASS AS AMENDED and be placed on the Consent Calendar.

HEARING ON HOUSE BILL 231

Presentation and Opening Statement by Sponsor:

Rep. Dave Brown, House District 72 stated to the Committee that there are some changes that need to be made with HB 231 as well as substantive amendments. Rep. Brown commented that motorcycling and motorcyclists are becoming more and more popular. There are more bikes on the road and there are more people driving. Motorcyclists are often at a severe disadvantage with the rest of the traffic on the highways and those people in larger vehicles often take a dim view of motorcyclists either behind or ahead of them. This creates a very real hazard, especially for the inexperienced and new motorcyclist. Mr. Brown stated that what this bill attempts to do is set up a motorcycle education and instruction program to give beginners an opportunity to get an edge on experience.

Testifying Proponents and Who They Represent:

Dal Smilie, Secretary, American Motorcyclists Association
Duane Tooley, Chief of Drivers Services, Motor Vehicle Division
Michael Sherwood, Montana Trial Lawyers Association
Curt Hahn, Curriculum Specialist Office Public Instruction
Jim Manion, Montana American Automobile Association
Rep. Dennis Iverson
Patricia Wherley, ABATE of Montana

Proponent Testimony:

Dal Smilie stated that in motorcycling, approximately 50% of death and injuries come very early in a motorcyclists experience. Usually the person is normally very young and it is their first time operating the machine. This is a dangerous period and some basic training in that area, like drivers training is useful. Several years ago, the motorcycle industry formed an organization called the Motorcycle Safety Foundation that they funded. That organization has an organized criteria as a nationally recognized instructor certification program for people who teach motorcycle safety training. It is the only organization that insurance companies recognize. Mr. Smilie

DAILY ROLL CALL

JUDICIARY COMMITTEE

51st LEGISLATIVE SESSION -- 1989

Date JAN. 26, 1989

NAME	PRESENT	ABSENT	EXCUSED
REP. KELLY ADDY, VICE-CHAIRMAN	X		
REP. OLE AAFEDT	X		
REP. WILLIAM BOHARSKI	X		
REP. VIVIAN BROOKE	X		
REP. FRITZ DAILY	X		
REP. PAULA DARKO	X		
REP. RALPH EUDAILY	X		
REP. BUDD GOULD	X		
REP. TOM HANNAH	X		
REP. ROGER KNAPP	X		
REP. MARY McDONOUGH			X
REP. JOHN MERCER	X		
REP. LINDA NELSON	X		
REP. JIM RICE	X		
REP. JESSICA STICKNEY	X		
REP. BILL STRIZICH	X		
REP. DIANA WYATT	X		
REP. DAVE BROWN, CHAIRMAN	X		

STANDING COMMITTEE REPORT

January 26, 1989

Mr. Speaker: We, the committee on Judiciary report that HOUSE BILL 260 (first reading copy -- white) do pass as amended and that it be placed on the CONSENT CALENDAR.

Signed: _____
Kelly Addy, Vice-Chairman

And, that such amendments read:

1. Page 1, line 21.
Strike: ", or both"

Montana Magistrates Association

EXHIB. 4
DATE Jan. 26, 1989
HB 260-Clark

26 January 1989

Testimony offered in opposition to HB260, a bill for an act entitled: "An act to provide that a person driving a motor vehicle or commercial motor vehicle in this state while his license is suspended or revoked in any state is guilty of a misdemeanor."

Given by Wallace A. Jewell on behalf of the Montana Magistrates Association representing the judges of courts of limited jurisdiction of Montana.

The Montana Magistrates Association is in opposition to this legislation because we feel that there may be some problems with due process involved with it. What if another state does not notify the person involved that their license is suspended and the person leaves that other state and comes to Montana? Are we then responsible for the notification of that individual? Are we then duty bound to impose sanctions against that individual for operating a motor vehicle when he did not know his operating privileges were suspended? Are we then enforcing the laws of that other state?

The Montana Magistrates Association urges you to recommend that this legislation do not pass.

Wallace A. Jewell

VISITORS' REGISTER

JUDICIARY COMMITTEE

BILL NO. HOUSE BILL 260 DATE JAN. 26, 1989

SPONSOR REP. CLARK

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Peter Funk	Dept. of Justice	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

MINUTES

MONTANA SENATE
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By Chairman Bruce Crippen, on February 3, 1989, at 10:00 a.m. in Room 325.

ROLL CALL

Members Present: Chairman Bruce Crippen, V. Chairman Al Bishop , Tom Beck, Mike Halligan, Bob Brown, Joe Mazurek, Loren Jenkins, R. J. "Dick" Pinsoneault, John Harp and Bill Yellowtail.

Members Excused: None.

Members Absent: None.

Staff Present: Valencia Lane, Staff Attorney and Rosemary Jacoby, Committee Secretary

HEARING ON HOUSE BILL 260

Presentation and Opening Statement by Sponsor:

Representative Robert C. Clark of Ryegate, Representing District 31, opened the hearing stating that its purpose was to eliminate a loophole sometimes used by drivers from other states whose drivers license has expired or been revoked. The bill would provide that the driver was guilty of a misdemeanor if he was cited driving a motor vehicle or commercial motor vehicle while the license is suspended. He said the change occurs on line 17 where the following words are added: "in this or any other state." He urged the committee to pass the bill.

List of Testifying Proponents and What Group they Represent:

Peter Funk, Assistant Attorney General, working for the Department of Justice

List of Testifying Opponents and What Group They Represent:

None.

Testimony:

Mr. Funk appeared to voice the department's support for the bill. He said it was a clarification bill in answer to numerous requests from county attorneys. Driving when a license has been suspended or revoked is one of the more serious violations, he said, and he felt the loophole should be closed to aid in the prosecution of out-of-state drivers who have been arrested for it.

Questions From Committee Members: There were none.

Closing by Sponsor: Representative Clark asked for the committee's support for the bill and closed the hearing.

DISPOSITION OF HOUSE BILL 260

Discussion: It was the consensus of the committee that its members were ready to act on the bill.

Amendments and Votes: There were none.

Recommendation and Vote: Senator Beck MOVED that House Bill 260 BE CONCURRED IN. The MOTION CARRIED UNANIMOUSLY. Senator Crippen announced that he would carry the Bill.

HEARING ON SENATE BILL 255

Presentation and Opening Statement by Sponsor: Senator Gary Aklestad of Galata, representing District 6, opened the hearing with the distribution of printed material to dramatize the situation which prompted the introduction of the bill. He said it was a citizens rights bill which would allow the highway patrol to do the job which he people of Montana feel they already have the right to do. Under present law, he said, the highway patrol does not have that right. When labor disputes cause highways to be blocked, citizens have been prevented from getting to their homes and to other towns, he said. Labor disputes are the only instance in which the highway patrol cannot clear the blockage of the highway, he stated. He felt that labor was being given preferential treatment and felt there was discrimination shown against the citizens of Montana. Many people who had intended to testify had not been

ROLL CALL

JUDICIARY COMMITTEE

51st LEGISLATIVE SESSION -- 1989 Date Feb. 3, 19

NAME	PRESENT	ABSENT	EXCUSED
SENATOR CRIPPEN	✓		
SENATOR BECK	✓		
SENATOR BISHOP	✓		
SENATOR BROWN	✓		
SENATOR HALLIGAN	✓		
SENATOR HARP	✓		
SENATOR JENKINS	✓		✓
SENATOR MAZUREK	✓		
SENATOR PINSONEAULT	✓		
SENATOR YELLOWTAIL	✓		

Each day attach to minutes.

DATE 2-3-89

COMMITTEE ON Judiciary

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One: Support	Check One: Oppose
Don Ingels	MT Chamber of Commerce	SB 255	X	
Marc Racicot	AG	SB 255 SB 293	X	
John Connor	AG	SB 293		
Hal Brown	Highway Patrol	SB 255	X	
Dorothy Bradley	Dept. of Motor Vehicles	HB 260	X	
Jim Tuck	Self	SB 293	X	
[illegible]	Self	[illegible]	X	
Jim Elliott	HD 51	SB 293	X	
" "	Spokane Co Task Force	SB 293	X	
Peter Funk	Dept. of Justice	HB 260	X	
David Oppedahl	St. Pauls United Methodist	SB 293	X	
[illegible]	MT. Coal Council	[illegible]	X	
[illegible]	Human Rights Div.	SB 293		
Don Judge	MT STATE AFL-CIO	SB 255		X
[illegible]	Big Timber, self	SB 293 SB 255	X	
Don Judge	MT STATE AFL-CIO	SB 293	X	
Angela Russell	HD 99	SB 293	X	
Tim Williams	Task Force on Human Dignity	SB 293	X	

(Please leave prepared statement with Secretary)

SENATE STANDING COMMITTEE REPORT

February 3, 1983

MR. PRESIDENT:

We, your committee on Judiciary, having had under consideration HB 260 (third reading copy -- blue), respectfully report that HB 260 be concurred in.

Sponsor: Clark (Crippen)

BE CONCURRED IN

Signed: Bruce D. Crippen, Chairman

2-3-84
2:

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